IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2449 OF 2006

Dhanyakumar B. Kale .... Petitioner
Vs.
State Bank of India .... Respondents

Shri Abhay Kulkarni for the Petitioner.

None for the Respondents.

CORAM: R.M.S. KHANDEPARKAR &
D.G. KARNIK, JJ.

DATED: APRIL 25, 2007

P.C:

1. Heard. The learned Advocate for the petitioner, drawing our attention to the order passed by the Apex Court in Civil Appeal No.2410 of 2005 in the matter of **State Bank of India & Ors. v. Akeel Ahmed Khan**, submitted that the same criteria should be allowed and adopted in the petitioner's case and the respondent-Bank be directed to reconsider the representation of the petitioner for appointment on compassionate ground.

2. Undisputedly, by the order dated 13-10-2003 the request of the petitioner for appointment on compassionate ground has been rejected after considering the financial position of the petitioner's family. The said reason is apparently disclosed in the said order dated 13-10-2003. The present petition has been filed

in August, 2006. There is no explanation for the delay in approaching the Court.

3. Undisputedly, the father of the petitioner retired on 3-8-2000. It is, however, apparent that he retired on medical ground prior to attaining the age of superannuation.

4. Undoubtedly, the order passed by the Apex Court to which our attention is drawn was passed in a matter where there was a specific direction by the High Court to reconsider the case of the applicant therein in the facts and circumstances where the applications of certain other persons were considered and apparently there was some discrimination disclosed in consideration of those applications. In the said background, as an inquiry was necessary and such an inquiry was not possible before the Court, either in Writ Petition or Appeal arising out of the order passed by the High Court, the Apex Court ordered that the concerned authority should look into the matter and reconsider the representation of that applicant. That is not the case in the matter in hand. Apart from the fact that as to whether the retirement of the father of the petitioner was much prior to attaining the age of superannuation or just a few days prior to the date of attaining the age of superannuation has not been disclosed nor the learned

Advocate for the petitioner is able to furnish any information in that regard to the Court. The authority while rejecting the application has given the reason as being the sound financial condition of the petitioner's family. Nothing has been brought to our notice which could reveal the said finding to be not borne out from the records. The authority on consideration of the materials having arrived at the said finding and the application for employment on compassionate ground can be rejected on account of sound financial condition of the applicant, we do not find any illegality committed by the respondent-Bank in rejecting the application of the petitioner. Apart from laches, even on merits, therefore, there is no case for interference in the impugned order. The petition, therefore, is rejected.

(D.G.Karnik, J.) (R.M.S.Khandeparkar, J.)

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